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EXAMINER

TSOY, ELENA

| ART UNIT | PAPER NUMBER |
|----------|--------------|
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1762

DATE MAILED: 04/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

C1

Office Action Summary

Application No.

10/809,017

Applicant(s)

HUISMAN, JAN WIETZE

Examiner

Elena Tsoy

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 86-136 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 86-136 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 3/20/2006 has been entered.

Claims 86-136 are pending in the application.

Specification

Amendment to the specification filed on 1/23/2006 has an error: Fig. ~~40111~~ should be changed to Fig. ~~4011~~.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 86-134 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 86 and 87, two last lines, a phrase "... equal to or lower than the surface tension of at least the or each part of the base product" renders the claim indefinite because a noun after "the" is omitted. For examining purposes the phrase was interpreted as "... equal to or lower than the surface tension of at least the portion or each part of the base product".

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 86-105, 107-111, 114, 119-123, 128-136 are rejected under 35 U.S.C. 103(a) as being unpatentable over Andersen et al (US 5,683,772) in view of Reil (US 4,526,314), further in view of Mueller (US 4,098,742) and Keeler (US 4,172,064) for the reasons of record set forth in paragraph 3 of the Office Action mailed on 7/15/2005.

5. Claim 106 is rejected under 35 U.S.C. 103(a) as being unpatentable over Andersen et al in view of Reil, further in view of Mueller and Keeler, and further in view of JP 10114851 for the reasons of record set forth in paragraph 4 of the Office Action mailed on 7/15/2005.

6. Claims 112, 113 are rejected under 35 U.S.C. 103(a) as being unpatentable over Andersen et al in view of Reil, further in view of Mueller and Keeler, and further in view of Hargadon (US 3,601,862) for the reasons of record set forth in paragraph 5 of the Office Action mailed on 7/15/2005.

7. Claims 115, 116 are rejected under 35 U.S.C. 103(a) as being unpatentable over Andersen et al in view of Reil, further in view of Mueller and Keeler, and further in view of Ito (US 3,659,787) for the reasons of record set forth in paragraph 6 of the Office Action mailed on 7/15/2005.

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8. Claim 117 is rejected under 35 U.S.C. 103(a) as being unpatentable over Andersen et al in view of Reil, further in view of Mueller and Keeler, and further in view of JP 07024367 for the reasons of record set forth in paragraph 7 of the Office Action mailed on 7/15/2005.

9. Claim 118 is rejected under 35 U.S.C. 103(a) as being unpatentable over Andersen et al in view of Reil, further in view of Mueller and Keeler, and further in view of Petterson (US 3,896,602) for the reasons of record set forth in paragraph 8 of the Office Action mailed on 7/15/2005.

10. Claims 124-127 are rejected under 35 U.S.C. 103(a) as being unpatentable over Andersen et al in view of Reil, further in view of Mueller and Keeler, and further in view of Rusincovitch, Jr. (US 5,304,411) for the reasons of record set forth in paragraph 9 of the Office Action mailed on 7/15/2005.

11. Claim 92 is rejected under 35 U.S.C. 103(a) as being unpatentable over Andersen et al in view of Reil and Vente et al (US 4,935,187), further in view of Mueller and Keeler.

A combination of Andersen et al, Reil, Mueller and Keeler are applied here for the same reasons as set forth in paragraph 3 of the Office Action mailed on 7/15/2005.

Andersen et al do not expressly teach that an apparatus having a heated female mold and a heated male mold can be used in an injection molding process.

Vente et al teach that an apparatus having a heated female mold and a heated male mold can be used in an injection molding process (See column 2, lines 24-28).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have used an apparatus having a heated female mold and a heated male mold to carry out an injection molding process in Andersen et al since Vente et al teach that an apparatus having a heated female mold and a heated male mold can be used in an injection molding process.

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12. The prior art made of record and not relied upon is considered pertinent to applicant disclosure.

Gaiser et al (US 4,314,651) teach that an apparatus having a heated female mold can be used in an injection molding process (See column 4, lines 11-16).

Response to Arguments

13. Applicants' arguments filed 1/23/2006 have been fully considered but they are not persuasive.

(A) Applicants agree that Anderson et al disclose a method for forming products comprising a mass including natural polymers in a heated mold which may typically be employed in injection molding. However, it is crystal clear that Anderson et al do not disclose injection molding of such products nor any equipment to be used in conjunction therewith. As urged previously, one skilled in the art cannot use ordinary injection molding equipment for the process described and claimed in the instant application nor can they use a conventional injection molding mold. Heating means must be incorporated into the mold or, alternatively, the mold must be heated from the outside. This methodology is very clearly not the procedure employed in conventional injection molding. This distinction which clearly is a departure from the Anderson et al disclosure has not been acknowledged by the Examiner nor has it been rebutted in any form.

The Examiner respectfully disagrees with this argument. In contrast to Applicants argument, it seems that an apparatus having a heated female mold and a heated or chilled male mold can be used in a conventional injection molding process, as evidenced by US 4,935,187 to Vente et al (See column 2, lines 24-28) and by US 4,314,651 to Gaiser et al (See column 4, lines 11-16).

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(B) Applicants state that clearly, Reil does not disclose strengthening of a product but merely discloses a means of preventing damage to a first plastic coating at fold lines. Additionally, Reil discloses that the adhesive strips employed should be adhered to the blank by glue, the surface tension being of no consequence whatever. Similarly, the first coating of Reil is made of plastic and again the surface tension does not play any role therein. Still further, Reil specifically discloses (see column 2, lines 12-19) that the strip employed should be welded such that contact surfaces of the reinforcing strip with the coated cardboard terminates from all sides at a spacing in front on the bending lines.

First of all, one of ordinary skill in the art would recognize that “preventing damage to a first plastic coating at fold lines” of Reil can be clearly interpreted as **strengthening** of first plastic coating at fold lines. Secondly, the Applicants’ statement “Reil discloses that the adhesive strips employed should be adhered to the blank by glue, the surface tension being of no consequence whatever” is irrelevant because difference in surface tension is claimed between the base product and a first coating. Thirdly, Reil is a secondary reference, which is applied to show only that reinforcing strips can be used applied over a waterproof coating such that of Andersen to strengthen places where the articles are severely bent.

Conclusion

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Elena Tsoy whose telephone number is 571-272-1429. The examiner can normally be reached on Monday-Thursday, 9:00AM - 5:30 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Timothy Meeks can be reached on 571-272-1423. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Elena Tsoy
Primary Examiner
Art Unit 1762

ELENA TSOY
PRIMARY EXAMINER
ETsoy

April 6, 2006